

Joseph N. Kravec, Jr. (Admitted *Pro Hac Vice*)  
**SPECTER SPECTER EVANS  
& MANOGUE, P.C.**

The 26<sup>th</sup> Floor Koppers Building  
Pittsburgh, Pennsylvania 15291  
Tel: (412) 642-2300  
Fax: (412) 642-2309

Janet Lindner Spielberg (SBN 221926)  
**LAW OFFICES OF JANET LINDNER  
SPIELBERG**

12400 Wilshire Boulevard, #400  
Los Angeles, California 90025  
Tel: (310) 392-8801  
Fax: (310) 278-5938

**\*E-FILED - 2/11/10\***

Michael D. Braun (SBN 167416)  
**BRAUN LAW GROUP, P.C.**  
10680 West Pico Boulevard, Suite 280  
Los Angeles, California 90064  
Tel: (310) 836-6000  
Fax: (310) 836-6010

Ira Spiro (SBN 67641)  
**SPIRO MOSS LLP**  
11377 West Olympic Blvd., 5<sup>th</sup> Floor  
Los Angeles, California 90064-1683  
Tel: (310) 235-2468  
Fax: (310) 235-2456

*Attorneys for Plaintiffs*

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

FELTON A. SPEARS, JR. and  
SIDNEY SCHOLL, on behalf of themselves and  
all others similarly situated,

Plaintiffs,

vs.

FIRST AMERICAN EAPPRAISEIT  
(a/k/a eAppraiseIT, LLC),  
a Delaware limited liability company;

Defendant.

) Case No. 5-08-CV-00868 RMW  
) **STIPULATION AND CASE**  
) **MANAGEMENT SCHEDULING ORDER**  
) **AMENDING ORDER ENTERED ON**  
) **OCTOBER 2, 2009**

1 The parties, by their undersigned counsel, hereby submit the following stipulation and  
2 [proposed] order for entry by this Court pursuant to Local Rule 7-12:

3 1. On October 2, 2009, this Court held a Case Management Conference and entered a  
4 Case Management Scheduling Order (Document 175) providing the parties until February 26, 2010  
5 to complete discovery related to class certification issues, and setting a motions hearing on class  
6 certification for April 23, 2010, at 9:00 a.m.

7 2. In entering this schedule, the Court adopted the parties' jointly proposed class  
8 certification discovery deadline of February 26, 2010. *See* Joint Case Management Conference  
9 Statement, filed September 21, 2009 (Document 172). Because the volume of the number of pages  
10 of documents produced by the Defendant was more than double the estimates made prior to the  
11 parties' agreement on the joint proposed class certification discovery schedule, Plaintiff requires  
12 additional time to review those documents and complete class certification discovery before  
13 presenting their class certification motion.

14 3. In that connection, the parties conferred with respect to extending the current class  
15 certification schedule and hereby agree to and submit the following stipulation for an amended  
16 schedule for completion of class discovery and for the hearing and briefing on Plaintiff's Motion for  
17 Class Certification:

18 1. On or before **April 23, 2010**, all class certification discovery shall be  
19 completed by the parties.

20 2. Plaintiff's motion and brief in support of class certification shall be filed no  
21 later than **May 7, 2010**.

22 3. Defendant's opposition to the Motion for Class Certification shall be filed no  
23 later than **June 4, 2010**.

24 4. Plaintiff's reply in support of her Motion for Class Certification shall be filed  
25 no later than **June 18, 2010**.

26 5. The Motion for Class Certification shall be heard on **July 2, 2010, at 9:00**  
27 **a.m.** in Courtroom 4, 5<sup>th</sup> Floor, United States Courthouse, 280 S. First Street, San Jose,  
28 California.

1 The Parties respectfully request that the Court enter this Stipulation.

2 Dated: February 3, 2010

3 **AGREED TO BY:**

4 **SPECTER SPECTER EVANS &  
5 MANOGUE, P.C.**

**DLA PIPER LLP**

6 By: s/Joseph N. Kravec, Jr.  
7 Joseph N. Kravec, Jr.  
(Admitted Pro Hac Vice)

By: s/Richard F. Hans via email consent  
Richard F. Hans  
(Admitted Pro Hac Vice)

8 The 26th Floor Koppers Building  
9 Pittsburgh, Pennsylvania 15219  
Tel: (412) 642-2300  
10 Fax: (412) 642-2309

Patrick J. Smith  
Jeffrey D. Rotenberg  
1251 Avenue of the Americas  
New York, New York 10020-1104  
Tel: (212) 335-4556  
Fax: (917) 778-8556

12 Janet Lindner Spielberg  
13 **LAW OFFICES OF JANET LINDNER  
SPIELBERG**  
14 12400 Wilshire Boulevard, #400  
Los Angeles, California 90025  
15 Tel: (310) 392-8801  
Fax: (310) 278-5938

Michael T. Fogarty  
Laura J. Fowler  
16 **MCDONOUGH HOLLAND  
& ALLEN PC**  
555 Capitol Mall, 9<sup>th</sup> Floor  
Sacramento, California 95814  
Tel: (916) 444-3900  
Fax: (916) 444-3249

17 Ira Spiro  
18 **SPIRO MOSS BARNES, LLP**  
11377 West Olympic Blvd., Fifth Floor  
Los Angeles, California 90064-1683  
19 Tel: (310) 235-2468  
20 Fax: (310) 235-2456

**ATTORNEYS FOR DEFENDANT**

21 **ATTORNEYS FOR PLAINTIFFS**

22  
23  
24 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

25 **Dated: February 9, 2010**

  
Honorable Ronald M. Whyte